

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1550 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE and

MR.JUSTICE J.R.VORA

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 No

RUPANI CHEMICAL INDUSTRIES PVT. LTD.

Versus

STATE OF GUJARAT

Appearance:

NANAVATI & NANAVATI for Petitioners
MR. N.D. GOHIL, AGP for the State
MR. HARESH TRIVEDI for the GPCB
MR. Y.F. MEHTA for GIDC

CORAM : MR.JUSTICE S.D.DAVE and

MR.JUSTICE J.R.VORA

Date of decision: 29/04/99

ORAL JUDGEMENT : [Per: Dave, J.]

1. The petitioners are before us praying for the principal prayer that now they should be exonerated from

the two main petitions, namely, Spl. C.A. No. 6926 of 1994 and/or Spl.C.A. No. 14019 of 1994.

2. We have heard learned counsel Mr. Dave, who appears for the petitioner Industry along with learned counsel Mr. Haresh Trivedi, who appears for the GPCB.

3. Learned counsel for the GPCB places on record the inspection reports regarding the visit which had taken place on April 09, 1999 and on April 16, 1999. These reports would go to show that when the inspection came to be made, it was found that the process was not generating any waste water. Therefore, the Industry was found to be behaving to the satisfaction of the GPCB. The Industry is on a valid consent status as being reflected from the consent orders available at Annexure-A. The consent under the Water Act, 1974 is valid upto July 31, 1999. Looking to this fact situation, we are of the opinion that now the petitioner Industry before us should be exonerated from the above said two main proceedings. We order accordingly. Rule or Notice, as the case may be, against the Industry in the said proceedings shall stand discharged with no order as to costs.

4. Before parting, we would like to direct the Industry to act as per the terms and conditions of the consent order. At present when two inspection had taken place, the Industry was found to be discharging a meagre quantity of waste water, which would include the trade and the domestic effluent. If this position gets changed, it shall be the duty of the Industry to have the appropriate directions from the GPCB, so that accordingly the trade effluent could be managed.

5. We are passing these orders on the line of the orders which we have passed in Spl.C.A. No. 7415 of 1998 with certain other matters on November 13, 1998, these proceedings also stand disposed of with these orders. The copy of the inspection report being presented by learned counsel Mr. Haresh Trivedi for the GPCB be retained on record.

p.n.nair

